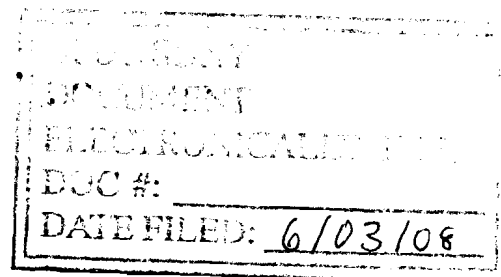


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Attorneys For National City Bank
as former Trustee of Defendant ELIZABETH WERNER TRUST, N.C.B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OLD LADDER LITIGATION CO., LLC, as Litigation Designee on behalf of the Liquidation Trust, Plaintiff, v. INVESTCORP BANK B.S.C., ET AL., Defendants.	Case No.: 08 CV 0876 (RMB) <u>STIPULATION OF DISMISSAL</u> <u>WITHOUT PREJUDICE</u>
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WHEREAS the Complaint alleges that the Elizabeth Werner Trust, N.C.B. [National City Bank as Trustee] received \$15,673,432.44 in the 1997 Shareholder Cashout;

WHEREAS an office of National City Bank was served with a copy of the summons and complaint in the above-captioned action¹;

WHEREAS National City Bank was the Trustee of the Elizabeth Werner Trust Dated December 18, 1967 throughout the entirety of 1997;

WHEREAS National City Bank resigned as Trustee of defendant Elizabeth Werner Trust Dated December 18, 1967, on or about March 12, 1998;

¹ Buchanan Ingersoll & Rooney PC has appeared in this case as counsel for National City Bank as former Trustee of Defendant Elizabeth Werner Trust, N.C.B. The firm does not represent the Trust.

WHEREAS Jeffrey Ackerman was appointed as Successor Trustee in place of National City Bank and accepted said appointment on or about March 12, 1998; and

WHEREAS on or about April 17, 1998 Jeffrey R. Ackerman, Successor Trustee, of the Elizabeth Werner Trust Dated December 18, 1967, acknowledged to have received from National City Bank of Pennsylvania all of the Elizabeth Werner Trust's assets, including but not limited to over \$14 million in cash; therefore

IT IS HEREBY STIPULATED AND AGREED that National City Bank has no liability to Plaintiff and is dismissed from this action without prejudice. Each party will bear its own attorney's fees and costs.

IT IS FURTHER STIPULATED AND AGREED that if any of the representations detailed above are untrue or incorrect in any material respect Old Ladder Litigation Co., LLC shall have the right to assert a claim against National City Bank without prejudice. In connection with any such renewal National City Bank hereby waives its right to assert any defenses based on any applicable statute of limitations, the res judicata, or collateral estoppel effect of this Stipulated Dismissal. National City Bank reserves the right to assert any defense that existed on the date that the summons and complaint was filed, including but not limited to, any defense based upon applicable statutes of limitations.

Dated: New York, New York
May 20, 2008

WHITE & CASE LLP

By: 

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N.C.B.

SO ORDERED:



Richard M. Berman, USDJ

6/3/08